

The City Attorney  
City of San Diego  
MEMORANDUM  
236-6220

DATE: March 14, 1988

TO: Gordon Murdoch, Building Official, and Steve  
Mikelman, Housing Commission

FROM: City Attorney

SUBJECT: SRO Ordinance Threshold Provisions

Your memorandum of March 1, 1988, asked our opinion concerning the application of Municipal Code Section 101.1910 of the SRO Ordinance which provides:

The City's Building Inspection Department shall be authorized to issue permit(s) for the demolition or conversion of residential and/or transient hotel rooms without a replacement requirement until the most recent SRO Hotel Room Supply, as defined by Section 101.1907.B., decreases to an amount equal to or below the threshold, as defined in Section 101.1907.A. The Building Inspection Department shall issue no permits pursuant to this Section until the threshold and the SRO Hotel Room Supply have been established.

It has been suggested that this provision allows removal of all SRO hotels. I disagree with this suggestion since such an interpretation renders the entire ordinance meaningless. Demolition permits may be issued without satisfying the replacement requirement only when the SRO Hotel Room Supply ("Supply") exceeds the threshold inventory. If the Supply is below the threshold, replacement is required for all rooms being demolished. If a particular demolition permit will result in reducing the Supply below the threshold, sufficient replacement rooms must be provided to restore the Supply to the threshold level.

If there are any questions concerning this provision of the ordinance, please contact me.

JOHN W. WITT, City Attorney  
By  
Frederick C. Conrad  
Chief Deputy City Attorney

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MS-88-2